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Enforcing Child Care Intentional Program Violations (IPV) for Clients

To: Local Child Care Administrative Agencies

Subject: Client Intentional Program Violations (IPV)

Purpose: This memo is to inform local agencies of the updated process and procedures for determining if an applicant or recipient has committed an IPV and how to apply sanctions resulting from an IPV in Wisconsin Shares.

Details: This Technical Assistance Memo applies to all county and tribal local agencies from November 1, 2012 to Spring 2013 when this process will be automated in Cares Worker Web (CWW).

Date: November 9, 2012

If the Department or local agency determines that an individual has committed an Intentional Program Violation (IPV) which occurred on or after November 1, 2012, as outlined in [2011 Wisconsin Act 202](#) and Operations Memorandum [12-56](#), the individual is subject to the denial period defined under s.49.151(2)(a)1. 2. and 3.

IPV DENIAL PERIODS

Under the law, the determination of an IPV in the Shares program is made by the administering agency, including the Department, or a local county or tribal agency under contract with the Department. When the administering agency determines that a violation of the program was intentional, the agency shall deny benefits to the individual for the following periods:

- ◆ 6 months for the first intentional violation;
- ◆ 12 months for the second intentional violation; and,
- ◆ Permanently for the third intentional violation.

EFFECTIVE DATE OF AN IPV

The denial period of a child care IPV is determined by the date the local agency worker enters the IPV into CARES **and** adverse action. For example:

- ◆ An IPV entered into the system before adverse action (the date each month in which a modification to a case needs to be confirmed to have it reflected in the next month of benefits), will be effective the first day of the next month. (E.g.- an IPV entered December 7, 2012 will be effective January 1, 2013.)
- ◆ An IPV entered into the system after adverse action will be effective the first day of the following month. (E.g.- an IPV entered December 28, 2012 will be effective February 1, 2013.)

The denial of benefits period from an IPV will be imposed whether child care and/or the case is open or closed.

IPV CLOSURE CODES

Closure codes have been created in CARES for the worker to use to fail eligibility due to an IPV. An individual that has received an IPV will receive a Notice of Eligibility informing them they are denied child care due to an IPV using the following closure codes and associated short and long text:

- **687- First intentional program violation- 6 month disqualification**
 - Short text: 6 month disqualification for 1st intentional prog violation
 - Notice text: There has been one instance of Intentional Program Violation (IPV). IPV means you have not followed the rules of the program on purpose. You are denied benefits for 6 months.
- **688- Second intentional program violation- 12 month disqualification**
 - Short text: 12 month disqualification for 2nd intentional prog violation
 - Notice text: There have been two different instances of Intentional Program Violations (IPV). IPV means you have not followed the rules of the program on purpose. You are denied benefits for 12 months.
- **248- Permanent disqualification- 3 intentional program violations**
 - Short text: Permanent disqualification- 3 intentional prog violations
 - Notice text: there have been three different instances of Intentional Program Violations (IPV). IPV means you have not followed the rules of the program on purpose. You are permanently denied benefits.

HEARING TYPE

A hearing type of CCF- Child Care Intentional Program Violation has been created by the Division of Hearings and Appeals (DHA) for a Child Care IPV.

NOTICE UPDATES AND INFORMING THE CLIENT

The ACCESS application, ACCESS renewal and CWW application summary Child Care Acknowledgements page have been updated to include the sanction periods for an individual that has committed a first, second and third IPV. The local agency must review the sanctions related to a first, second and third IPV with an applicant or recipient during the application and renewal processes.

The Disqualification Consent Agreement form that an individual can sign to avoid being criminally prosecuted by a District Attorney but still receive an IPV has been updated to include the penalties for a first and second IPV in both child care and W-2. The form is available at: <http://www.dhs.wisconsin.gov/forms/F1/F16025.pdf>

RECORDING IPV'S in CARES

An IPV determination made by the Department or local agency must be entered into CARES within 7 calendar days. The local worker can run eligibility and complete the initial entry of information on the Assistance Group Eligibility Results Override (AGOE) screen in CARES Mainframe; however, only the Department, local agency Supervisor, lead worker, director or third party review with a CARES security access 75 and above is able to complete the final override step to fail child care eligibility for the proper sanction period.


Take the following steps to record a Child Care IPV (FYI: steps 3-5 have additional detail and screenshots on the following pages):

1. The local agency completes a fraud investigation and determines an IPV has occurred.
2. The local worker receives approval from a Supervisor, Director, Lead Worker or Third Party review to establish an IPV.
3. The local worker runs eligibility, but does not confirm
4. A local worker can complete steps a-c below on the AGOE screen in the CARES Mainframe; however, an individual with CARES security access 75 and over must complete steps d and e, so that the assistance group fails eligibility. On AGOE the following fields must be filled in:
 - a. The 'Eligibility Result Override' field must be changed to 'F' for fail
 - b. The 'Reasons Override' code to fail eligibility are:
 1. 687- first intentional program violation
 2. 688- second intentional program violation
 3. 248- Permanent disqualification
 - c. An 'Override Reason CD' of "pol"
 - d. 'Is Override Approved? (Y/N)' field is a "Y"
 - e. Eligibility Results Confirmation screen- all fields changed to 'Y'.
5. The worker checks the Confirmed Assistance Group Summary page to visually verify the failure of child care eligibility due to the IPV (code 687, 688 or 248).
6. Case comments must be entered in CWW to reflect the IPV determination.
 - a. Case comments must start with "IPV" and contain the following information: individual receiving the IPV, IPV violation number, sanction period dates, basis of the IPV and approving authority. (E.g.- IPV- Rex Smith, 1st IPV, sanction period 7/1/13-1/1/14, client forged pay stubs at December renewal, approving authority is Charlie Brown-Director of Department of Human Services).
 - b. Case comments must be flagged as important.

The following screen prints correspond to the above outlined steps for entering an IPV in CWW and CARES Mainframe:

Step 3: Running Eligibility

Prior to entering an IPV, eligibility must be run to verify the case is open for Child Care. To run eligibility in CWW, choose 'Initiate Eligibility Determination' and choose Run Eligibility then choose Next.

 **Initiate Eligibility**


Page Completion Status: All pages are complete, you may proceed to eligibility by clicking the 'Next' button.

Eligibility Status: Based on the changes to the case, you should run eligibility.





What would you like to do?

☒ Run Eligibility

☐ Run Eligibility with Date

Effective: 

The Eligibility Run Results screen will show the case is open for Child Care. Choose Next.

 Eligibility Run Results								
Other Program Results								
Run	Assistance Group	Sequence	Benefit Begin Date	Benefit End Date	AG Status	Eligibility Status	Reasons	
1	FS Z - FOODSHARE - DID NOT APPLY	1	12/01/2012		DENIED	FAIL	054	
			11/01/2012	11/30/2012	DENIED	FAIL	054	
			10/30/2012	10/31/2012	DENIED	FAIL	054	
	CC - CHILD CARE	1	12/01/2012		OPEN	PASS		
	WW Z - W-2 DID NOT APPLY	1	12/01/2012		DENIED	FAIL	054	
			11/01/2012	11/30/2012	DENIED	FAIL	054	
			10/30/2012	10/31/2012	DENIED	FAIL	054	

The Eligibility Summary shows all programs for which the case is open or denied. Choose Next.

Eligibility Summary									Cancel	Reset
Assistance Group	Sequence	Benefit Begin Date	Benefit End Date	Assistance Group Status	Non-Financial Result	Asset Result	Income Result	Benefit Amount		
CTSZ - CARETAKER SUPPLEMENT - DID NOT APPLY	1	12/01/2012		DENIED	<input type="checkbox"/> FAIL					
		11/01/2012	11/30/2012	DENIED	<input type="checkbox"/> FAIL					
		10/01/2012	10/31/2012	DENIED	<input type="checkbox"/> FAIL					
FS Z - FOODSHARE - DID NOT APPLY	1	12/01/2012		DENIED	<input type="checkbox"/> FAIL					
		11/01/2012	11/30/2012	DENIED	<input type="checkbox"/> FAIL					
		10/30/2012	10/31/2012	DENIED	<input type="checkbox"/> FAIL					
CC - CHILD CARE	1	12/01/2012		OPEN	<input type="checkbox"/> PASS		<input type="checkbox"/> PASS			
WW Z - W-2 DID NOT APPLY	1	12/01/2012		DENIED	<input type="checkbox"/> FAIL					
		11/01/2012	11/30/2012	DENIED	<input type="checkbox"/> FAIL					
		10/30/2012	10/31/2012	DENIED	<input type="checkbox"/> FAIL					
MA Z - MEDICAL ASSISTANCE - DID NOT APPLY	1	12/01/2012		DENIED	<input type="checkbox"/> FAIL					
		11/01/2012	11/30/2012	DENIED	<input type="checkbox"/> FAIL					
		10/01/2012	10/31/2012	DENIED	<input type="checkbox"/> FAIL					

Updated on or before
 MM/DD/YYYY Go

At the Confirmation Access screen, choose Next to log into the CARES Mainframe to fail the Assistance Group (AG) on the AGOE screen.

Confirmation Access		Cancel	Reset
Page Completion Status: All pages are complete, you may proceed to confirmation by clicking the 'Next' button.			
<input type="button" value="Add Case Comment"/>		<input type="button" value="Cancel"/>	<input type="button" value="Previous"/> <input type="button" value="Next"/>

Step 4: Using the AGOE Screen

In CARES Mainframe, Next Tran= 'AGOE', Parm= case number, then enter.

NEXT TRAN: agoe

PARMS: 0700545603

Fill in the Eligibility Result Override; Reasons Override and Override Reason CD fields and choose enter. The Override Reason CD that should be used is "POL". F10 to exit out of the screen.

```
AGOE ASSISTANCE GROUP ELIGIBILITY RESULTS OVERRIDE 10/30/12 08:34
CASE: 0700545603 CAT: CC SEQ: 01 WORKER: XCTR04 XCTV23 M STEBBEDS
LAST UPDATED: 10 30 12 CASE STATUS: CLOSED CASE MODE: ONGOING

DC: AG STATUS: 0 OPEN
ELIGIBILITY RESULT: S PASS ELIGIBILITY RESULT OVERRIDE: F PASS
REASONS: REASONS OVERRIDE: 687
MR REASON: NO BCLA MED STAT LEVEL:

ELIG BEGIN DATE: 03 01 12 ELIG BEGIN DATE OVERRIDE: 03 01 12
ELIG END DATE: ELIG END DATE OVERRIDE:

PAYMENT BEGIN DATE: 12 01 12
PAYMENT END DATE:

SUPERVISOR ID: OVERRIDE REASON CD: POL
COMMENT: IS OVERRIDE APPROVED(Y/N)?
NEXT TRAN: PARMS: 0700545603
```

An individual with CARES security access 75 and over must log in and enter in AGOE and the case number to get to the screen. Enter a 'Y' in the Is Override Approved (Y/N) field, choose enter.

```
AGOE ASSISTANCE GROUP ELIGIBILITY RESULTS OVERRIDE 10/30/12 08:36
CASE: 0700545603 CAT: CC SEQ: 01 WORKER: XCTR04 XCTV24 M STEBBEDS
LAST UPDATED: 10 30 12 CASE STATUS: CLOSED CASE MODE: ONGOING

DC: AG STATUS: 0 OPEN
ELIGIBILITY RESULT: S PASS ELIGIBILITY RESULT OVERRIDE: F FAIL
REASONS: REASONS OVERRIDE: 687
MR REASON: NO BCLA MED STAT LEVEL:

ELIG BEGIN DATE: 03 01 12 ELIG BEGIN DATE OVERRIDE: 03 01 12
ELIG END DATE: ELIG END DATE OVERRIDE:

PAYMENT BEGIN DATE: 12 01 12
PAYMENT END DATE:

SUPERVISOR ID: XCTV24 OVERRIDE REASON CD: POL
COMMENT: IS OVERRIDE APPROVED(Y/N)? Y
NEXT TRAN: PARMS: 0700545603
```

Change each 'N' to 'Y' on the next 2 or 3 Eligibility Results Confirmation screens to confirm that eligibility fails. When complete, F10 to exit out of CARES Mainframe.

AGEC		ELIGIBILITY RESULTS CONFIRMATION					10/23/12 07:51			
CASE: 0700545603					WORKER: XCTR04			XCTV24 M STEBBEDS		
LAST UPDATED: 10 23 12					CASE STATUS: CLOSED			CASE MODE: ONGOING		
ELIGIBILITY REVIEW DATE:										
CAT	SEQ	PMT BEG DATE	PMT END DATE	BENEFIT AMOUNT	AG STATUS	ELIG STATUS	REASON CODES	MR RSN	CONFIRM (Y/N)	
CC	01	12 01 12		0.00	DE	FAIL	248	—	N	
CC	01	12 01 12	12 31 12	0.00	CL	FAIL	688	—	Y	
CTSZ	01	12 01 12		0.00	DE	FAIL	054	—	N	
CTSZ	01	12 01 12	12 31 12	0.00	DE	FAIL	054	—	Y	
CTSZ	01	11 01 12	11 30 12	0.00	DE	FAIL	054	—	N	
CTSZ	01	10 01 12	10 31 12	0.00	DE	FAIL	054	—	N	
FS Z	01	12 01 12		0.00	DE	FAIL	054	—	N	
FS Z	01	12 01 12	12 31 12	0.00	DE	FAIL	054	—	Y	
FS Z	01	11 01 12	11 30 12	0.00	DE	FAIL	054	—	N	
FS Z	01	10 23 12	10 31 12	0.00	DE	FAIL	054	—	N	

Step 5: Verifying Failure of Eligibility

Enter CWW to visually verify that eligibility for Child Care has been closed due to the IPV. This can be checked on the Confirmed Assistance Group Summary page under Query.

Confirmed Assistance Group Summary						
CARES Assistance Group Eligibility						
Assistance Group	Sequence	Status	Reasons	Eligibility Begin Date	Eligibility End Date	AG Review Date
MA Z	1	DENIED	054			
CC	1	DENIED	688		02/28/2013	
CTSZ	1	DENIED	054			
FS Z	1	DENIED	054			
WW Z	1	DENIED	054			

CASE COMMENTS

When eligibility is confirmed and child care fails, a 'Notice of Eligibility for Child Care' is generated to the primary person on the case indicating the case is not eligible for child care benefits due to a first, second or third IPV.

If a worker runs eligibility after an IPV is entered, the override reason code disappears and it will appear as if the case is eligible for child care; therefore, it is very important to have the IPV documented in case comments and manually tracked by the local agency. Until the IPV process is automated in CWW, workers should make sure they look for comments regarding an IPV, including viewing old comments that may not be displayed by default because they are more than 90 days old.

REPORTING IPV'S TO DCF

Local agencies are required to report each IPV that is established to the Department of Children and Families on a monthly basis. The following information needs to be reported to marcie.stebbeds@wisconsin.gov :

1. Individual name and PIN
2. Case number

3. Date entered into Cares Mainframe
4. IPV effective date
5. IPV violation number
6. IPV sanction period dates
7. Is a continuation of benefits requested?
8. Original local agency
9. Child care county (case resides in)
10. Worker ID (who approves IPV)
11. Override begin date
12. Reasons for override
 - a. Fair hearing
 - b. Agency error
13. Delete reason
 - a. Fair hearing decision
 - b. New information
 - c. Agency error
 - d. IPV appeal withdrawn
14. Comments

RECORDING AN IPV ON AN INTAKE APPLICATION

When a new applicant requests child care, CWW determines eligibility for three months. If a new applicant is determined to have committed an IPV, the local worker and individual with CARES security access **75** and over, must fail eligibility for all three months on the AGOE screen using F8 to proceed to each subsequent month. If this does not occur, eligibility will not fail correctly and the AG will appear to be eligible for child care.

IPV'S ON A CLOSED CASE

An IPV can be established on a closed case; however, since the case is not open in Cares Worker Web (CWW) an automated notice will not be generated. The local agency must create a manual notice to the individual informing them that an IPV has been determined. The manual notice should include the same information as a Notice of Eligibility. The notice must include the following information:

1. Name of the individual
2. IPV violation number
3. IPV sanction dates
4. Local agency contact information
5. Fair hearing appeal rights

IPV'S AND OVERPAYMENT ESTABLISHMENT

In most cases, benefits have been improperly issued in conjunction with the IPV; therefore, a related overpayment must be established for those improperly issued benefits. An overpayment related to the IPV established on the Benefit Recovery Claim (BVCL) screen must be coded as an IV (Intentional Program Violation). For instructions on creating an overpayment claim refer to Chapter 9.3.0 Creating a Claim of the CARES Guide: <https://workweb.dwd.state.wi.us/dfs/manuals/caresguide/pdf/chap09.pdf>

During a fraud investigation, local agencies are encouraged to use the Fraud Investigation Tracking (FITS) Screens to track the fraud referral, investigation details and outcome of the fraud investigation. More information on the FITS screens can be found in Handouts 14-17 from the Chapter 2 Client Fraud training or the Chapter 9.2.0 Fraud Investigation Tracking Screens (FITS) of the CARES guide: <https://workweb.dwd.state.wi.us/dfs/manuals/caresguide/pdf/chap09.pdf>

NOTE: Entering only an overpayment against a client and coding it as an IV on the BVCL screen is not considered an IPV; a separate notice as described in the prior pages of this Technical Assistance Memo need to be followed to determine an IPV with sanctions.

REPORTING AN IPV TO OTHER PROGRAMS

An IPV determined in child care should be reported to the local agency in which the child care case resides or

- An IPV in the W-2 or Emergency Assistance program may be reported to w2fraud@wisconsin.gov
- An IPV in the FoodShare, Medicaid, WIC or BadgerCare programs, may be reported to <https://www.reportfraud.wisconsin.gov/rptfrd/default.aspx>

IF A SANCTIONED INDIVIDUAL IS APPROVED FOR CHILD CARE

If a local worker confirms an individual to be eligible for Shares that is currently in a sanctioned period for an IPV, the local worker will need to complete steps 3-6 under Recording IPV's in CARES to again fail the case. If Child Care benefits were issued, the local agency must establish an overpayment for the total amount issued and code it on the BVCL screen as a Non-Client Error (NC).

Contact: For child care related policy questions outside of Milwaukee County: County and tribal Child Care Coordinators should contact their Bureau of Regional Operations (BRO) Child Care Coordinator at http://dcf.wisconsin.gov/regional_operations/pdf/contact_list.pdf.

For child care related policy questions for Milwaukee County: Child Care Help Desk at: childcare@wisconsin.gov or (608) 264-1657.